



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

Division of Drinking Water

January 13, 2017

Brian Males, Environmental Manager
California Portland Cement Company
9350 Oak Creek Road
Mojave, CA 93501

RE: Non Compliance of California Portland Cement Company Water System, System No. 1502034, with the Distribution Operator Requirements

Mr. Males,

The State Water Resources Control Board, Division of Drinking Water (hereinafter State Board) has issued a Citation No. 03_19_17C_001 to the California Portland Cement Company Water System (hereinafter Water System). The Citation, enclosed with this letter, documents the Water System's noncompliance with the distribution operator requirements, as specified in the California Health & Safety Code and Title 22, California Code of Regulations (CCR).

Per Section 64413.3 of the CCR, the distribution system of the Water System is classified as a **D1** facility, and per Section 63770 of the CCR, the minimum required certification for the distribution operator is **D1**.

Please note that a written response to the citation is required by January 27, 2017. In addition, the citation includes several directives and deadlines. Failure to comply with the citation directives will result in additional enforcement action, including assessment of a civil penalty. If you have any questions concerning any directive of the citation, please call the Tehachapi District Office of the Division at (661) 335-7315.

Sincerely,

A handwritten signature in black ink, reading "Jaswinder S. Dhaliwal".

Jaswinder S. Dhaliwal, P.E.
Senior Sanitary Engineer
Tehachapi District

Enclosure: Citation No. 03_19_17C_001

CC: Kern County Dept. of Public Health, Environmental Health Services Division (w/o enclosure)

Enclosure

Citation No. 03_19_17C_001

1 **STATE OF CALIFORNIA**
2 **STATE WATER RESOURCES CONTROL BOARD**
3 **DIVISION OF DRINKING WATER**
4

5 IN RE: California Portland Cement Company Water System
6 Water System No. 1502034
7 9350 Oak Creek Road
8 Mojave, CA 93501
9
10 TO: Brian Males
11 Environmental Manager

12 **CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS,**
13 **TITLE 22, SECTION 63770 (b), (c), and (d)**
14 **WATER SYSTEM NO. 1502034**
15 **CITATION NO. 03_19_17C_001**
16

17 **Issued on: January 13, 2017**

18 Section 116650 of Article 9, Chapter 4, Part 1, Division 104 of the California Health
19 and Safety Code (H&S Code), authorizes the issuance of a citation for the failure to
20 comply with a requirement of the California Safe Drinking Water Act, or any
21 regulation, standard, permit or order issued thereunder.

22 **VIOLATION**

23 Section 116650 of the California Health and Safety Code authorizes the issuance of
24 a citation to a public water system for violation of the California Safe Drinking Water
25 Act (Health and Safety Code, Division 104, Part 1, Chapter 4, commencing with

1 Section 116270) (hereinafter "California SDWA"), or any regulation, standard,
2 permit or order issued or adopted thereunder.

3
4 The State Water Resources Control Board (hereinafter "State Board"), acting by
5 and through its Division of Drinking Water and the Deputy Director for the Division
6 (hereinafter "Deputy Director"), hereby issues a citation to the California Portland
7 Cement Company Water System (hereinafter Water System) (mailing address:
8 9350 Oak Creek Road, Mojave, CA 93501) for violation of the California H&S Code,
9 Sections 106885 (b) and 116555 (b), and California Code of Regulations (CCR),
10 Title 22, Sections 63770 (b), (c), and (d), as described below.

- 11
12 1. Section 106885 (b), Article 3, Chapter 4, Part 1, Division 104, H&S Code
13 – All persons who are in responsible charge of the water distribution
14 system of a community water system or a non-transient non-community
15 water system shall possess a valid and current water distribution operator
16 certificate of the appropriate grade in accordance with the regulations
17 referred to in Section 106910.

18 Specifically, the California Portland Cement Company Water System is
19 currently being operated and maintained without a valid water distribution
20 operator certificate (issued by the State Board) to comply with the Operator
21 Certification Regulations (Regulations) that became effective on January
22 2001.

- 23 2. Section 116555 (b), Article 7, Chapter 4, Part 1, Division 104, H&S Code
24 – Any person who owns a community water system or a non-transient
25 non-community water system shall do all of the following:

1 (1) Employ or utilize only water distribution system operators who
2 have been certified by the department at the appropriate grade for
3 positions in responsible charge of the distribution system.

4 (2) Place the direct supervision of the water system, including water
5 treatment plants, water distribution systems, or both under the
6 responsible charge of an operator or operators holding a valid
7 certification equal to or greater than the classification of the
8 treatment plant and the distribution system.

9 Specifically, the California Portland Cement Company Water System does
10 not currently employ or utilize certified water distribution operators for
11 positions in responsible charge of the distribution system and has failed to
12 comply with the operator certification requirements in the past. In addition,
13 the direct supervision of the distribution system of the Water System has
14 been under the responsible charge of persons without a valid distribution
15 operator certification.

16 3. Subsections 63770 (b), (c), and (d), Article 2, Chapter 13, Division 4, Title
17 22, California Code of Regulations (CCR) – An individual who makes
18 decisions addressing the operational activities identified in Subsections
19 63770 (b), (c), and (d) must possess a distribution operator certificate.
20 Specifically, the Water System's personnel have been making decisions
21 in the operation and maintenance of the Water System without a valid
22 water distribution operator certificate issued by the State Board since the
23 Regulations became effective on January 2001.

24 The above violations are classified as continuing violations.

1 **BACKGROUND**

2 The California Portland Cement Company Water System is classified as a non-
3 transient non-community water system. The Water System provides domestic
4 water to the employees and visitors of the California Portland Cement Company
5 Plant in Mojave, Kern County. According to the 2015 Electronic Annual Report
6 (EAR) submitted to the State Board, the Water System serves a population of 165
7 via 14 service connections.

8 The California Portland Cement Company operates the Water System under the
9 authority of Water Supply Permit No. 2034, issued in July 1974, by the Kern County
10 Health Department. There have been no amendments to the permit to date. The
11 State Board is in the process of preparing a new domestic water supply permit for
12 the Water System.

13 Water originates from a groundwater well (Well 06) and is disinfected using
14 trichloroisocyanuric acid tablets. The Water System also includes a standby well
15 (Well 05) that is adjacent to the active well. The disinfected water is then stored in a
16 57,000-gallon storage tank before it is gravity-fed into a part of the distribution
17 system. A 10-hp booster pump station delivers water to the rest of the distribution
18 system which is at a higher elevation.

19 On January 10, 2017, Aayush Khurana, Water Resource Control Engineer with the
20 State Board conducted a sanitary survey of the Water System. During the site
21 inspection, Mr. Khurana discussed the issue of distribution operator certification with
22 Mr. Brian Males and found that the Water System does not have a certified D1
23 operator. Mr. Males, Environmental Manager of California Portland Cement
24 Company is the designated operator of the Water System. Mr. Males does not
25 have a valid D1 operator certificate; he has a T1 operator certificate. Based on
26 further review of the Water System's records, the 2014 Electronic Annual Report

1 (EAR) shows Charles M. Kirby as the designated operator of the Water System with
2 a valid D1 certificate. According to the 2015 EAR and a phone conversation with
3 Mr. Males on January 11, 2017, the Water System has not been operated by a
4 certified D1 operator since sometime in 2015, after Mr. Kirby retired from the
5 California Portland Cement Company.

6 **DIRECTIVES**

7 The California Portland Cement Company is hereby directed to take the following
8 actions:

- 9
- 10 1) Cease violating the requirements of H&S Code, Division 104, Part 1,
11 Chapter 4, Article 3, Subsection 106885 (b). Specifically, by **March 13,**
12 **2017**, the Water System must employ or have a written contract with a
13 water distribution system operator who has been certified by the State
14 Board at the appropriate grade for positions in responsible charge of the
15 distribution system.
- 16 2) Submit a plan to the Division by **January 27, 2017**, describing how the
17 Water System will comply with the requirements of H&S Code, Division
18 104, Part 1, Chapter 4, Article 3, Subsection 106885 (b). The Water
19 System may contract with a certified water distribution system operator or
20 have one of its employees become a certified water distribution system
21 operator.
- 22 3) Submit the items required in Directive Nos. 2 and 3 above to the State
23 Board, to the attention of Jaswinder S. Dhaliwal, Senior Sanitary Engineer,
24 at 4925 Commerce Drive, Suite 120, Bakersfield, CA 93309.
- 25

1 **FURTHER ENFORCEMENT ACTIONS**

2 Section 116650, subsection (a), Chapter 4, Part 1, Division 104 of the CHSC
3 authorizes the State Board to: issue additional citations with assessment of
4 penalties if a public water system continues to fail or correct a violation identified in
5 a citation; take action to suspend or revoke a permit that has been issued to a
6 public water system if the system has violated applicable law or regulations or has
7 failed to comply with orders of the State Board; and petition the superior court to
8 take various enforcement measures against a public water system that has failed to
9 comply with orders of the State Board. The State Board does not waive any further
10 enforcement action by issuance of this citation.

11 **PARTIES BOUND**

12 This citation shall apply to and be binding upon California Portland Cement
13 Company Water System, its officers, directors, agents, employees, contractors,
14 successors, and assignees.

15
16 **SEVERABILITY**

17 The directives of this citation are severable, and California Portland Cement
18 Company Water System shall comply with each and every provision thereof,
19 notwithstanding the effectiveness of any other provision.
20
21



1 **CIVIL PENALTIES**

2 Section 116650, subsections (d) and (e) of the CHSC allow for the assessment of a
3 civil penalty for failure to comply with the requirements of the Safe Drinking Water
4 Act. Failure to comply with any provision of this Citation may result in the State
5 Board imposing an administrative penalty in an amount not to exceed \$1,000 (one
6 thousand dollars) per day as of the date of violation of any provision of this Citation.
7

8
9 Jan. 13, 2017
10 Date

Jaswinder S. Dhaliwal
Jaswinder S. Dhaliwal, P.E.,
Senior Sanitary Engineer
Division of Drinking Water
State Water Resources Control Board

14
15
16 Certified Mail No. 7015 0640 0001 6185 1049
17

18 **Attachments:**

19 Attachment A: Excerpts from California Health & Safety Code

20 Attachment B: Excerpts from Title 22, California Code of Regulations
21

22 CC: Kern County Dept. of Public Health, Env. Health Services Division (w/o attachments)
23

24 JSD/AK

Attachment A

Excerpts from California Health & Safety

Attachemnt A – Excerpts from California Health & Safety Code

§106885. Certification required.

(a) All persons who operate or supervise the operation of water treatment plants shall possess a valid and current water treatment operator certificate or water treatment operator-in-training certificate of appropriate grade in accordance with the regulations referred to in Section 106910.

(b) All persons who are in responsible charge of the water distribution system of a community water system or a nontransient noncommunity water system shall possess a valid and current water distribution operator certificate of the appropriate grade in accordance with the regulations referred to in Section 106910.

§116577. Enforcement fee.

(a) Each public water system shall reimburse the state board for actual costs incurred by the state board for any of the following enforcement activities related to that water system:

- (1) Preparing, issuing, and monitoring compliance with, an order or a citation.
- (2) Preparing and issuing public notification.
- (3) Conducting a hearing pursuant to Section 116625.

(b) The state board shall submit an invoice for these enforcement costs to the public water system that requires payment before September 1 of the fiscal year following the fiscal year in which the costs were incurred. The invoice shall indicate the total hours expended, the reasons for the expenditure, and the hourly cost rate of the state board. The costs set forth in the invoice shall not exceed the total actual costs to the state board of enforcement activities specified in this section.

§116650. Citations

(a) If the state board determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the state board may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.

(b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.

(c) A citation may specify a date for elimination or correction of the condition constituting the violation.

(d) A citation may include the assessment of a penalty as specified in subdivision (e).

(e) The state board may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation and shall be in addition to any liability or penalty imposed under any other law.

§116655. Orders

(a) Whenever the state board determines that any person has violated or is violating this chapter, or any order, permit, regulation, or standard issued or adopted pursuant to this chapter, the state board may issue an order doing any of the following:

(1) Directing compliance forthwith.

(2) Directing compliance in accordance with a time schedule set by the state board.

(3) Directing that appropriate preventive action be taken in the case of a threatened violation.

(b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:

(1) That the existing plant, works, or system be repaired, altered, or added to.

(2) That purification or treatment works be installed.

(3) That the source of the water supply be changed.

(4) That no additional service connection be made to the system.

(5) That the water supply, the plant, or the system be monitored.

(6) That a report on the condition and operation of the plant, works, system, or water supply be submitted to the state board.

(b) Any person who owns a community water system or a nontransient noncommunity water system shall do all of the following:

(1) Employ or utilize only water distribution system operators who have been certified by the department at the appropriate grade for positions in responsible charge of the distribution system.

(2) Place the direct supervision of the water system, including water treatment plants, water distribution systems, or both under the responsible charge of an operator or operators holding a valid certification equal to or greater than the classification of the treatment plant and the distribution system.

Attachment B

Excerpts from Title 22, California Code of Regulations

Attachment B – Excerpts from Title 22, California Code of Regulations

§63770. Distribution System Staff Certification Requirements

(a) Chief and shift operators shall possess valid operator certificates pursuant to Table 63770-A.

Table 63770-A
Minimum Certification Requirements for Chief and Shift Operators

<i>Distribution System Classification</i>	<i>Minimum Certification of Chief Operator</i>	<i>Minimum Certification of Shift Operator</i>
D1	D1	D1
D2	D2	D1
D3	D3	D2
D4	D4	D3
D5	D5	D3

(b) Water systems shall utilize only certified distribution operators to make decisions addressing the following operational activities:

- (1) Install, tap, re-line, disinfect, test and connect water mains and appurtenances.
- (2) Shutdown, repair, disinfect and test broken water mains.
- (3) Oversee the flushing, cleaning, and pigging of existing water mains.
- (4) Pull, reset, rehabilitate, disinfect and test domestic water wells.
- (5) Stand-by emergency response duties for after hours distribution system operational emergencies.
- (6) Drain, clean, disinfect, and maintain distribution reservoirs.

(c) Water systems shall utilize either certified distribution operators or treatment operators that have been trained to make decisions addressing the following operational activities:

- (1) Operate pumps and related flow and pressure control and storage facilities manually or by using a system control and data acquisition (SCADA) system.
- (2) Maintain and/or adjust system flow and pressure requirements, control flows to meet consumer demands including fire flow demands and minimum pressure requirements.

(d) Water systems shall utilize either certified distribution operators or treatment operators to make decisions addressing the following operational activities:

- (1) Determine and control proper chemical dosage rates for wellhead disinfection and distribution residual maintenance.
- (2) Investigate water quality problems in the distribution system.

§64413.3. Classification of Distribution Systems

(a) The distribution system for each community and nontransient- noncommunity water system shall be classified pursuant to Table 64413.3-A unless modified pursuant to subsection (b). For a wholesaler, the population served shall include the customers served by its retailers.

**Table 64413.3-A.
Distribution System Classifications**

<i>Population Served</i>	<i>Class</i>
1,000 or less	D1
1,001 through 10,000	D2
10,001 through 50,000	D3
50,001 through 5 million	D4
Greater than 5 million	D5

(b)The class determined pursuant to (a) shall be upgraded by one level if the population served is 5 million or less and the sum of all the points from paragraphs (1) through (6) exceeds 20.

(1) The points for pressure zones shall be zero for up to three zones, 4 for four to ten zones, or 6 for more than ten zones.

(2) The points for disinfectants used shall be zero if no disinfectant is applied in the distribution system and no more than one type of disinfectant residual is entering the distribution system. The points shall be 5 if a single disinfectant or ammonia is applied in the distribution system. The points shall be 8 if there are multiple disinfectants in the system.

(3) The points based on the largest single pump in the system for which the distribution operator is responsible shall be 4 for up to fifty horsepower, or 6 for fifty or more horsepower.

(4) The points for distribution storage reservoirs in the system shall be 4 for one to five reservoirs, or 6 for greater than five.

(5) The points for one or more existing uncovered distribution reservoirs shall be 10.

(6) The points to be added if any of the distribution system customers are also served by a non-potable water distribution system shall be 6. This does not apply to wholesalers if the only customers receiving non-potable water are served by its retailers.